

### **REMARKS**

In the above-mentioned office action, all of the pending claims, claims 1-16, were rejected under Section 102(e) over *Vialen*.

The rejection of the claims is respectfully traversed for reasons that follow.

The present invention discloses, and recites in the claims, a method, and associated user equipment and UTRAN, pertaining to a message that includes a Ciphering Mode Info information element. Exemplary claim 1 recites a method of operation that includes determination of whether a Ciphering Activation Time for DPCH information element is present in the message when radio bearers exist using radio link control transparent mode. And, when the Ciphering Activation Time for DPCH information element is not present, a message is returned indicating the absence of the information element. Others of the independent claims, that is, claims 4, 5, 14, 15, and 16, analogously recite methodology or associated structure pertaining to communication of a message in which a Ciphering Mode Info information element is includable.

Review of *Vialen* indicates that the reference pertains to reconfiguration of a cellular radio network connection. While columns 9 and 10 refer to a reconfiguration request message, BEARER\_RECONF\_REQ, there is no disclosure permits inclusion of a Ciphering Mode information element, or its equivalent. And, to the contrary, the reference states that the request message merely includes a radio bearer identifier (BID) and a quality of service of the bearer (BEARER QOS). There further is no disclosure in *Vialen* of operation in an RLC Transport Mode.

And, while reply messages indicating success or failure of reconfiguration, BEARER\_COMPL and BEARER\_FAIL, neither of these messages include a Ciphering Activation Time for DPCH information element nor are either of these messages generated in response to determination that a receive message fails to include a Ciphering Activation Time for DPCH information element.

The Applicant further believes there to be no basis upon which to infer that a radio bearer identifier or radio bearer QoS value contained in a reconfiguration request would be similar to a

Ciphering Activation Time for DPCH information element. And, the Applicant also further believes there to be no basis upon which to infer that a BEARER\_COMPL or a BEARER\_FAIL message is generated in response to determination that a Ciphering Activation Time for DPCH information element is not present in a received message.

For these reasons, therefore, the independent claims, as now-recited, are believed not to be anticipated by the cited reference and, further, are believed to be patentably distinguishable over thereover.

Additionally, claim 5 recites a methodology of determining whether a Ciphering Activation Time for DPCH information element is present in a message when radio bearers exist using radio link control transparent mode. And, in the event that the information element is not present, selecting an activation time for applying ciphering changes for the transparent mode radio bearers. While column 10, lines 30-34 of the cited reference states that, having received a reply message, the protocol software changes either its transmission or its reception parameters as a result of successful reconfiguration or plans a next procedure as a result of a failed reconfiguration, there is no disclosure of selection of an activation time for applying ciphering changes. Claim 16 is believed further to be distinguishable over the cited reference for this additional reason.

As the dependent claims include all the limitations of their respective parent claims, these claims are believed to be patentably distinguishable over the cited reference for the same reasons as those given with respect to their parent claims.

Accordingly, in light of the foregoing, independent claims 1, 4, 5, 14, 15, and 16, and the dependent claims dependent thereon, are believed to be in condition for allowance. Reexamination and reconsideration for allowance of these claims is, therefore, respectfully requested. Such early action is earnestly solicited.

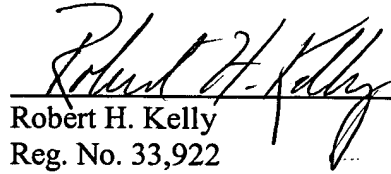
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Respectfully submitted,

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